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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,518	04/12/2004	Syed Rafat Iqbal	1139-022	3343

25215 7590 09/15/2005
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EXAMINER

GARRETT, ERIKA P

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,518

Applicant(s)

IQBAL ET AL

Examiner

Erika Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on 06/23/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) ¹⁻¹⁶ 32-46 and 52-71 ⁵² is/are pending in the application. 9/14/05
- 4a) Of the above claim(s) 1-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-46 and 52-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Claims 1-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/20/05.

Claim Objections

Claims 61-71 are objected to because of the following informalities: the applicant attention is drawn to the phrase "thermoelectric device as a source of temperature conditioned air". It is unclear if the TED is the sole source of the conditioned air. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32-40, 52-56, are rejected under 35 U.S.C. 103(a) as being unpatentable over Haupt in view of Wurz (6,109,688). Haupt discloses the use of a ventilated seat (10) comprising an insert comprising a seat portion (14) and comprising a flow control layer (18); spacer (40); and a fluid barrier (18c, 18d); a port (32) in flow control layer or the fluid barrier, at least one conduit (20) with at least one flow hole; wherein at least

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one conduit is attached to the insert; conduit is located underneath the flow control layer relative to the occupant; wherein the port is located in an extension of the insert.

Further comprising a fan in fluid communication with the spacer by way of the port of the flow control layer, wherein the fan (16) is also in fluid communication with the conduit.

Haupt shows the use of all the claimed invention but fails to show the use of the conduit extends across at least a portion of the insert and sensor. Wurtz teaches the use of the conduit (7) extending across at least a portion of the insert and a sensor (119,120). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the insert with a conduit extending across at least a portion of the insert and a sensor as taught by Wurcz, in order to switch the time on or off for the occupant use.

Claims 45 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haupt as applied to claim 32 above, and further in view of Faust (6,189,966).

Haupt shows the use of all the claimed invention but fails to show the use of a second fan. Faust teaches the use of a second fan (20). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the seat cushion as taught by Faust, in order to ventilate the seat back and seat bottom.

Claims 59 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haupt as applied to claims 32 and 61 above, and further in view of Peterson (6,425,637). Haupt shows the use of all the claimed invention but fails to show the use of polymeric strand material. Peterson teaches the use of polymeric strand material. It would have been obvious to one of ordinary skill in the art at the time of invention to

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modify the seat with polymeric strand material as taught by Peterson, in order to provide the occupant with a flexible seat cushion.

Claims 41-46, 57, 60-61, 63-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haupt as applied to claim 32 above, and further in view of Rhodes (6,273,810). Haupt shows the use of all the claimed invention but fails to show the use of the fluid conditioning device is a thermoelectric device. Rhodes teaches the use of a thermoelectric device. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the fluid conditioning device with a thermoelectric device as taught by Rhodes, in order to heat or cool the vent air in the seat.

Response to Arguments

Applicant's arguments with respect to claims 32-46 and 52-71 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not


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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 571-272-6859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EG 
September 8, 2005


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600